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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,546

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Peter Schoegg

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DYKEMA GOSSETT PLLC  
FRANKLIN SQUARE, THIRD FLOOR WEST  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

PIERRE LOUIS, ANDRE

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/619,546	Applicant(s) SCHOEGGL, PETER	
	Examiner Andre Pierre-Louis	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

1. Claims 1-7 have been presented for examination.

**Drawings**

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show details as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2123

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.1 Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While claiming a method for simulating the driving behavior of vehicles, there is no step provided with the method.

2.2 Claim 5 recites the limitation "the lateral slip" in line 1. There is insufficient antecedent basis for this limitation in the claim.

2.3 Claim 1 recites the limitation "the slip" and "the vehicle speed" in line 7. There is insufficient antecedent basis for this limitation in the claim.

### **Claim Objections**

3. Claims 2-7 are objected to because of the following informalities: the word "A" at the beginning of each of the claims should be read "The". Appropriate correction is required.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.0 Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Germann et al. (U.S. Patent No. 6,754,615).

4.1 In considering the independent claim 1, Germann et al. teaches the functional equivalence of a method for simulating the driving behavior of vehicles on a test stand in which the engine of the vehicle is coupled on the test stand to an electronically controllable braking apparatus and a simulation model calculates simulation values of variables which are representative of the driving state of the vehicle in that the reaction of the vehicle to the behavior of the engine and the values of the variables as determined immediately prior thereto are calculated, with at least the vehicle speed and the slip occurring in the driving wheels being calculated as variables, wherein for controlling the braking apparatus a virtual vehicle speed is used which is changed by a corrective value which depends on the slip (*see fig.1-3 & their description, also col.1 line 5-col.4 line 49 and col.6 line 46-col.8 line 26*).

4.2 As per claim 2, Germann et al. teaches that the corrective value depends primarily on short-term fluctuations of the slip (*see fig.1-3 & their description, also col.1 line 5-col.4 line 49 and col.6 line 46-col.8 line 26*).

4.3 With regards to claim 3, Germann et al. teach that a speed of non-driven wheels of the vehicle as calculated by the simulation model is changed by a further corrective value, which depends on the slip (*see fig.1-3 & their description, also col.1 line 5-col.4 line 49 and col.6 line 46-col.8 line 26*).

4.4 Regarding claim 4, Germann et al. teach that a slip by acceleration is reflected by a positive corrective value and a slip by retardation or blocking of the driven wheels is reflected by a negative corrective value (*see fig.1-3 & their description, also col.1 line 5-col.4 line 49 and col.6 line 46-col.8 line 26*).

4.5 As per claim 5, Germann et al. teaches that the lateral slip is considered or corrected by a further simulation model (*see fig.1-3 & their description, also col.1 line 5-col.4 line 49 and col.6 line 46-col.8 line 26*).

4.6 With regards to claim 6, Germann et al. teaches that inclinations of the vehicle chassis are taken into account (*see fig.1-3 & their description, also col.1 line 5-col.4 line 49 and col.6 line 46-col.8 line 26*).

4.7 Regarding claim 7, Germann et al. teach that the speed calculated by the simulation model or the slip calculated by simulation model is used for electronic vehicle control or for electronic engine control (*see fig.1-3 & their description, also col.1 line 5-col.4 line 49 and col.6 line 46-col.8 line 26*).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5.1 Yamasaki et al. (U.S. Patent No. 5,547,382) teaches a riding simulation system for motorcycles.

5.2 Von Thun (U.S. Patent No. 4,939,985) teaches a test bench for testing the drive train of a vehicle.

5.3 Beyer et al. (USPG\_PUB No. 2003/0191573) teaches a method and device for indicating the driving state of a vehicle to the driver.

5.4 Hagelin (USPG\_PUB No. 2003/0014230) teaches a device and method concerning the behaviour of a vehicle.


6. Claims 1-7 are rejected and this action is non-final. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Pierre-Louis whose telephone number is 571-272-8636. The examiner can normally be reached on Mon-Fri, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul L. Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 14, 2006

APL

  
Paul L. Rodriguez  
Primary Examiner  
Art Unit 2125-2123  
6/22/06